

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JULY 16, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1053**

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**Introduced by Assembly Member Solorio**

February 27, 2009

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An act to add ~~Section~~ *Sections 1712.12 and 1766.2* to, to add and repeal Chapter 4 (commencing with Section 1400) of Part 1 of Division 2 of, and to repeal Chapter 4 (commencing with Section 1300) of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1053, as amended, Solorio. ~~Juveniles.~~ *Juveniles: correctional facilities.*

~~Existing~~

(1) *Existing* law establishes the Interstate Compact on Juveniles. The compact sets forth the agreement between the contracting states regarding the supervision of delinquent juveniles, including the procedure for the return of runaways and escapees.

This bill would repeal the Interstate Compact on Juveniles and instead enact, only until January 1, 2012, the Interstate Compact for Juveniles. This compact would make the state subject to rules and regulations

having the force and effect of statutory law governing the supervision or return of juvenile offenders, including status offenders, in the compacting states as developed at a future date by the Interstate Commission for Juveniles, except when a provision exceeds the constitutional limits imposed on the Legislature, or as specified. The commission consists of commissioners appointed as specified in each compacting state. Any state and any one of specified United States territories is eligible to become a compacting state. Each compacting state represented at any meeting of the commission is entitled to one vote. The compact would also require the state to create a State Council for Interstate Juvenile Supervision that would exercise related duties, as specified. The bill would authorize the commission to levy and collect an annual assessment from the state and the other compacting states to cover the cost of the internal operations and activities of the commission and its staff based upon a formula to be determined by the commission, that takes into consideration, among other things, the population of each compacting state. The bill would also authorize the commission to impose penalties on the state, including fines, fees, and costs, for default in the performance of the state's obligations under the compact, as determined by the commission. The bill would provide that the compact administrator, as defined, in this state would be the executive director of the Corrections Standards Authority. The bill would require that executive director to convene an executive steering committee to review and make recommendations regarding the compact, as specified. The bill would also require the Corrections Standards Authority to present the committee's final report to the Legislature by January 1, 2011.

Because the compact took effect upon the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction, as specified, and because the latter event has occurred, if this bill is enacted, the compact would be binding upon the state, except as specified.

*(2) Existing law establishes within the Department of Corrections and Rehabilitation, the Division of Juvenile Justice, consisting of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations, which operate the statewide system governing wards of the court and other persons committed to the department, and the detention, rehabilitation, probation, and parole thereof.*

*This bill would require the Division of Juvenile Justice to close the Heman G. Stark Youth Correctional Facility, located in the City of Chino, San Bernardino County, on or before July 1, 2010, and the*

*Preston Youth Correctional Facility, located in the City of Ione, Amador County, on or before December 31, 2010. This bill would also require the Division of Corrections and Rehabilitation to arrange for the reassignment and transfer of offenders in these facilities to another facility within its jurisdiction.*

**Existing**

(3) *Existing* law requires the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, not less than 30 days prior to the scheduled parole consideration hearing of a ward eligible for release on parole on or after September 1, 2007, as specified, to notify the ward of the date and location of the parole consideration hearing. Existing law provides that the ward has the right to contact his or her parent or guardian to inform the parent or guardian of the date and location of the parole consideration hearing, and to inform other persons identified by the ward who are considered by the division as likely to contribute to a ward's preparation for the parole consideration hearing or the ward's postrelease success. An appropriate staff person is required, on specified occasions, to explain these rights to the ward. The committing court is required, within 15 court days of the release by the division of the ward, to convene a reentry disposition hearing for the ward to identify those conditions of probation that are appropriate under all the circumstances of the case, including incorporating a reentry plan. The county of commitment is required to supervise the reentry of those wards. However, none of these provisions apply to a ward who was committed to the custody of the division for specified offenses, including murder, kidnapping, and certain sex offenses.

This bill would require the division to place all applicable wards, as defined, in its custody on supervised parole within the period of 120 to 90 days prior to the date of release from custody, as specified, or within the period of 120 to 90 days prior to completion of the maximum period of confinement, as specified, whichever comes first. This bill would provide that these provisions do not apply when a petition or order for further detention has been requested, as provided. This bill would also provide that a ward who has been released under these provisions shall be subject to revocation of parole for alleged violations committed during the release period.

(4) *The bill would become operative only if AB 999 is enacted and takes effect on or after January 1, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 4 (commencing with Section 1300) of Part 1 of Division 2 of the Welfare and Institutions Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 1400) is added to Part 1 of Division 2 of the Welfare and Institutions Code, to read:

CHAPTER 4. THE INTERSTATE COMPACT FOR JUVENILES

1400. THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I  
PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act (4 U.S.C. Sec. 112), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (a) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (b) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (c) return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return; (d) make contracts for the cooperative institutionalization in public facilities in member states

1 for delinquent youth needing special services; (e) provide for the  
2 effective tracking and supervision of juveniles; (f) equitably  
3 allocate the costs, benefits, and obligations of the compacting  
4 states; (g) establish procedures to manage the movement between  
5 states of juvenile offenders released to the community under the  
6 jurisdiction of courts, juvenile departments, or any other criminal  
7 or juvenile justice agency which has jurisdiction over juvenile  
8 offenders; (h) insure immediate notice to jurisdictions where  
9 defined offenders are authorized to travel or to relocate across state  
10 lines; (i) establish procedures to resolve pending charges (detainers)  
11 against juvenile offenders prior to transfer or release to the  
12 community under the terms of this compact; (j) establish a system  
13 of uniform data collection on information pertaining to juveniles  
14 subject to this compact that allows access by authorized juvenile  
15 justice and criminal justice officials, and regular reporting of  
16 compact activities to heads of state executive, judicial, and  
17 legislative branches and juvenile and criminal justice  
18 administrators; (k) monitor compliance with rules governing  
19 interstate movement of juveniles and initiate interventions to  
20 address and correct noncompliance; (l) coordinate training and  
21 education regarding the regulation of interstate movement of  
22 juveniles for officials involved in such activity; and (m) coordinate  
23 the implementation and operation of the compact with the Interstate  
24 Compact for the Placement of Children, the Interstate Compact  
25 for Adult Offender Supervision, and other compacts affecting  
26 juveniles particularly in those cases where concurrent or  
27 overlapping supervision issues arise. It is the policy of the  
28 compacting states that the activities conducted by the Interstate  
29 Commission created herein are the formation of public policies  
30 and therefore are public business. Furthermore, the compacting  
31 states shall cooperate and observe their individual and collective  
32 duties and responsibilities for the prompt return and acceptance  
33 of juveniles subject to the provisions of this compact. The  
34 provisions of this compact shall be reasonably and liberally  
35 construed to accomplish the purposes and policies of the compact.

36  
37 ARTICLE II  
38 DEFINITIONS  
39

1 As used in this compact, unless the context clearly requires a  
2 different construction:

3 (a) “Bylaws” means those bylaws established by the Interstate  
4 Commission for its governance, or for directing or controlling its  
5 actions or conduct.

6 (b) “Compact Administrator” means the individual in each  
7 compacting state appointed pursuant to the terms of this compact,  
8 responsible for the administration and management of the state’s  
9 supervision and transfer of juveniles subject to the terms of this  
10 compact, the rules adopted by the Interstate Commission, and  
11 policies adopted by the State Council for Interstate Juvenile  
12 Supervision under this compact.

13 (c) “Compacting state” means any state which has enacted the  
14 enabling legislation for this compact.

15 (d) “Commissioner” means the voting representative of each  
16 compacting state appointed pursuant to Article III of this compact.

17 (e) “Court” means any court having jurisdiction over delinquent,  
18 neglected, or dependent children.

19 (f) “Deputy Compact Administrator” means the individual, if  
20 any, in each compacting state appointed to act on behalf of a  
21 Compact Administrator pursuant to the terms of this compact  
22 responsible for the administration and management of the state’s  
23 supervision and transfer of juveniles subject to the terms of this  
24 compact, the rules adopted by the Interstate Commission and  
25 policies adopted by the State Council under this compact.

26 (g) “Interstate Commission” means the Interstate Commission  
27 for Juveniles created by Article III of this compact.

28 (h) “Juvenile” means any person defined as a juvenile in any  
29 member state or by the rules of the Interstate Commission,  
30 including:

31 (1) “Accused delinquent” means a person charged with an  
32 offense that, if committed by an adult, would be a criminal offense;

33 (2) “Adjudicated delinquent” means a person found to have  
34 committed an offense that, if committed by an adult, would be a  
35 criminal offense;

36 (3) “Accused status offender” means a person charged with an  
37 offense that would not be a criminal offense if committed by an  
38 adult;

1 (4) “Adjudicated status offender” means a person found to have  
2 committed an offense that would not be a criminal offense if  
3 committed by an adult; and

4 (5) “Non-offender” means a person in need of supervision who  
5 has not been accused or adjudicated a status offender or delinquent.

6 (i) “Noncompacting state” means any state which has not  
7 enacted the enabling legislation for this compact.

8 (j) “Probation or parole” means any kind of supervision or  
9 conditional release of juveniles authorized under the laws of the  
10 compacting states.

11 (k) “Rule” means a written statement by the Interstate  
12 Commission promulgated pursuant to Article VI of this compact  
13 that is of general applicability, implements, interprets or prescribes  
14 a policy or provision of the compact, or an organizational,  
15 procedural, or practice requirement of the commission, and has  
16 the force and effect of statutory law in a compacting state, and  
17 includes the amendment, repeal, or suspension of an existing rule.

18 (l) “State” means a state of the United States, the District of  
19 Columbia (or its designee), the Commonwealth of Puerto Rico,  
20 the United States Virgin Islands, Guam, American Samoa, and the  
21 Northern Marianas Islands.

22  
23 ARTICLE III

24 INTERSTATE COMMISSION FOR JUVENILES  
25

26 (a) The compacting states hereby create the “Interstate  
27 Commission for Juveniles.” The commission shall be a body  
28 corporate and joint agency of the compacting states. The  
29 commission shall have all the responsibilities, powers, and duties  
30 set forth herein, and such additional powers as may be conferred  
31 upon it by subsequent action of the respective legislatures of the  
32 compacting states in accordance with the terms of this compact.

33 (b) The Interstate Commission shall consist of commissioners  
34 appointed by the appropriate appointing authority in each state  
35 pursuant to the rules and requirements of each compacting state  
36 and in consultation with the State Council for Interstate Juvenile  
37 Supervision created hereunder. The commissioner shall be the  
38 compact administrator, deputy compact administrator, or designee  
39 from that state who shall serve on the Interstate Commission in

1 such capacity under or pursuant to the applicable law of the  
2 compacting state.

3 (c) In addition to the commissioners who are the voting  
4 representatives of each state, the Interstate Commission shall  
5 include individuals who are not commissioners, but who are  
6 members of interested organizations. Such noncommissioner  
7 members must include a member of the national organizations of  
8 governors, legislators, state chief justices, attorneys general,  
9 Interstate Compact for Adult Offender Supervision, Interstate  
10 Compact for the Placement of Children, juvenile justice and  
11 juvenile corrections officials, and crime victims. All  
12 noncommissioner members of the Interstate Commission shall be  
13 ex officio (nonvoting) members. The Interstate Commission may  
14 provide in its bylaws for such additional ex officio (nonvoting)  
15 members, including members of other national organizations, in  
16 such numbers as shall be determined by the commission.

17 (d) Each compacting state represented at any meeting of the  
18 commission is entitled to one vote. A majority of the compacting  
19 states shall constitute a quorum for the transaction of business,  
20 unless a larger quorum is required by the bylaws of the Interstate  
21 Commission.

22 (e) The commission shall meet at least once each calendar year.  
23 The chairperson may call additional meetings and, upon the request  
24 of a simple majority of the compacting states, shall call additional  
25 meetings. Public notice shall be given of all meetings and meetings  
26 shall be open to the public.

27 (f) The Interstate Commission shall establish an executive  
28 committee, which shall include commission officers, members,  
29 and others as determined by the bylaws. The executive committee  
30 shall have the power to act on behalf of the Interstate Commission  
31 during periods when the Interstate Commission is not in session,  
32 with the exception of rulemaking or amendment to the compact.  
33 The executive committee shall oversee the day-to-day activities  
34 of the administration of the compact managed by an executive  
35 director and Interstate Commission staff, and the committee shall  
36 administer enforcement and compliance with the provisions of the  
37 compact, its bylaws and rules, and perform such other duties as  
38 directed by the Interstate Commission or set forth in the bylaws.

39 (g) Each member of the Interstate Commission shall have the  
40 right and power to cast a vote to which that compacting state is

1 entitled and to participate in the business and affairs of the  
2 Interstate Commission. A member shall vote in person and shall  
3 not delegate a vote to another compacting state. However, a  
4 commissioner, in consultation with the state council, shall appoint  
5 another authorized representative, in the absence of the  
6 commissioner from that state, to cast a vote on behalf of the  
7 compacting state at a specified meeting. The bylaws may provide  
8 for members' participation in meetings by telephone or other means  
9 of telecommunication or electronic communication.

10 (h) The Interstate Commission's bylaws shall establish  
11 conditions and procedures under which the Interstate Commission  
12 shall make its information and official records available to the  
13 public for inspection or copying. The Interstate Commission may  
14 exempt from disclosure any information or official records to the  
15 extent they would adversely affect personal privacy rights or  
16 proprietary interests.

17 (i) Public notice shall be given of all meetings and all meetings  
18 shall be open to the public, except as set forth in the rules or as  
19 otherwise provided in the compact. The Interstate Commission  
20 and any of its committees may close a meeting to the public where  
21 it determines by two-thirds vote that an open meeting would be  
22 likely to:

23 (1) Relate solely to the Interstate Commission's internal  
24 personnel practices and procedures.

25 (2) Disclose matters specifically exempted from disclosure by  
26 statute.

27 (3) Disclose trade secrets or commercial or financial information  
28 which is privileged or confidential.

29 (4) Involve accusing any person of a crime, or formally  
30 censuring any person.

31 (5) Disclose information of a personal nature where disclosure  
32 would constitute a clearly unwarranted invasion of personal  
33 privacy.

34 (6) Disclose investigative records compiled for law enforcement  
35 purposes.

36 (7) Disclose information contained in or related to examination,  
37 operating or condition reports prepared by, or on behalf of or for  
38 the use of, the Interstate Commission with respect to a regulated  
39 person or entity for the purpose of regulation or supervision of  
40 such person or entity.

1 (8) Disclose information, the premature disclosure of which  
2 would significantly endanger the stability of a regulated person or  
3 entity.

4 (9) Specifically relate to the Interstate Commission's issuance  
5 of a subpoena, or its participation in a civil action or other legal  
6 proceeding.

7 (j) For every meeting closed pursuant to this provision, the  
8 Interstate Commission's legal counsel shall publicly certify that,  
9 in the legal counsel's opinion, the meeting may be closed to the  
10 public, and shall reference each relevant exemptive provision. The  
11 Interstate Commission shall keep minutes which shall fully and  
12 clearly describe all matters discussed in any meeting and shall  
13 provide a full and accurate summary of any actions taken, and the  
14 reasons therefore, including a description of each of the views  
15 expressed on any item and the record of any roll call vote (reflected  
16 in the vote of each member on the question). All documents  
17 considered in connection with any action shall be identified in  
18 such minutes.

19 (k) The Interstate Commission shall collect standardized data  
20 concerning the interstate movement of juveniles as directed through  
21 its rules which shall specify the data to be collected, the means of  
22 collection and data exchange and reporting requirements. Such  
23 methods of data collection, exchange and reporting shall insofar  
24 as is reasonably possible conform to up-to-date technology and  
25 coordinate its information functions with the appropriate repository  
26 of records.

27  
28 ARTICLE IV  
29 POWERS AND DUTIES OF THE INTERSTATE  
30 COMMISSION  
31

32 The commission shall have the following powers and duties:

33 (a) To provide for dispute resolution among compacting states.

34 (b) To promulgate rules to effect the purposes and obligations  
35 as enumerated in this compact, which shall have the force and  
36 effect of statutory law and shall be binding in the compacting states  
37 to the extent and in the manner provided in this compact.

38 (c) To oversee, supervise, and coordinate the interstate  
39 movement of juveniles subject to the terms of this compact and

1 any bylaws adopted and rules promulgated by the Interstate  
2 Commission.

3 (d) To enforce compliance with the compact provisions, the  
4 rules promulgated by the Interstate Commission, and the bylaws,  
5 using all necessary and proper means, including but not limited to  
6 the use of judicial process.

7 (e) To establish and maintain offices which shall be located  
8 within one or more of the compacting states.

9 (f) To purchase and maintain insurance and bonds.

10 (g) To borrow, accept, hire, or contract for services of personnel.

11 (h) To establish and appoint committees and hire staff which it  
12 deems necessary for the carrying out of its functions including,  
13 but not limited to, an executive committee as required by Article  
14 III which shall have the power to act on behalf of the Interstate  
15 Commission in carrying out its powers and duties hereunder.

16 (i) To elect or appoint such officers, attorneys, employees,  
17 agents, or consultants, and to fix their compensation, define their  
18 duties and determine their qualifications, and to establish the  
19 Interstate Commission's personnel policies and programs relating  
20 to, inter alia, conflicts of interest, rates of compensation, and  
21 qualifications of personnel.

22 (j) To accept any and all donations and grants of money,  
23 equipment, supplies, materials, and services, and to receive, utilize,  
24 and dispose of it.

25 (k) To lease, purchase, accept contributions or donations of, or  
26 otherwise to own, hold, improve or use any property, real, personal,  
27 or mixed.

28 (l) To sell, convey, mortgage, pledge, lease, exchange, abandon,  
29 or otherwise dispose of any property, real, personal or mixed.

30 (m) To establish a budget and make expenditures and levy dues  
31 as provided in Article VIII of this compact.

32 (n) To sue and be sued.

33 (o) To adopt a seal and bylaws governing the management and  
34 operation of the Interstate Commission.

35 (p) To perform such functions as may be necessary or  
36 appropriate to achieve the purposes of this compact.

37 (q) To report annually to the legislatures, governors, judiciary,  
38 and state councils of the compacting states concerning the activities  
39 of the Interstate Commission during the preceding year. Such

1 reports shall also include any recommendations that may have  
2 been adopted by the Interstate Commission.

3 (r) To coordinate education, training, and public awareness  
4 regarding the interstate movement of juveniles for officials  
5 involved in such activity.

6 (s) To establish uniform standards of the reporting, collecting,  
7 and exchanging of data.

8 (t) The Interstate Commission shall maintain its corporate books  
9 and records in accordance with the bylaws.

10  
11 ARTICLE V

12 ORGANIZATION AND OPERATION OF THE INTERSTATE  
13 COMMISSION  
14

15 (a) Section A. Bylaws. The Interstate Commission shall, by a  
16 majority of the members present and voting, within 12 months  
17 after the first Interstate Commission meeting, adopt bylaws to  
18 govern its conduct as may be necessary or appropriate to carry out  
19 the purposes of the compact, including, but not limited to:

20 (1) Establishing the fiscal year of the Interstate Commission.

21 (2) Establishing an executive committee and such other  
22 committees as may be necessary.

23 (3) Provide for the establishment of committees governing any  
24 general or specific delegation of any authority or function of the  
25 Interstate Commission.

26 (4) Providing reasonable procedures for calling and conducting  
27 meetings of the Interstate Commission, and ensuring reasonable  
28 notice of each such meeting.

29 (5) Establishing the titles and responsibilities of the officers of  
30 the Interstate Commission.

31 (6) Providing a mechanism for concluding the operations of the  
32 Interstate Commission and the return of any surplus funds that  
33 may exist upon the termination of the compact after the payment  
34 or reserving of all of its debts and obligations.

35 (7) Providing “start-up” rules for initial administration of the  
36 compact.

37 (8) Establishing standards and procedures for compliance and  
38 technical assistance in carrying out the compact.

39 (b) Section B. Officers and Staff

1 (1) The Interstate Commission shall, by a majority of the  
2 members, elect annually from among its members a chairperson  
3 and a vice chairperson, each of whom shall have such authority  
4 and duties as may be specified in the bylaws. The chairperson or,  
5 in the chairperson's absence or disability, the vice-chairperson  
6 shall preside at all meetings of the Interstate Commission. The  
7 officers so elected shall serve without compensation or  
8 remuneration from the Interstate Commission; provided that,  
9 subject to the availability of budgeted funds, the officers shall be  
10 reimbursed for any ordinary and necessary costs and expenses  
11 incurred by them in the performance of their duties and  
12 responsibilities as officers of the Interstate Commission.

13 (2) The Interstate Commission shall, through its executive  
14 committee, appoint or retain an executive director for such period,  
15 upon such terms and conditions and for such compensation as the  
16 Interstate Commission may deem appropriate. The executive  
17 director shall serve as secretary to the Interstate Commission, but  
18 shall not be a member and shall hire and supervise such other staff  
19 as may be authorized by the Interstate Commission.

20 (c) Section C. Qualified Immunity, Defense, and Indemnification

21 (1) The commission's executive director and employees shall  
22 be immune from suit and liability, either personally or in their  
23 official capacity, for any claim for damage to or loss of property  
24 or personal injury or other civil liability caused or arising out of  
25 or relating to any actual or alleged act, error, or omission that  
26 occurred, or that such person had a reasonable basis for believing  
27 occurred within the scope of commission employment, duties, or  
28 responsibilities, provided, that any such person shall not be  
29 protected from suit or liability for any damage, loss, injury, or  
30 liability caused by the intentional or willful and wanton misconduct  
31 of any such person.

32 (2) The liability of any commissioner, or the employee or agent  
33 of a commissioner, acting within the scope of such person's  
34 employment or duties for acts, errors, or omissions occurring within  
35 such person's state may not exceed the limits of liability set forth  
36 under the United States Constitution and laws of that state for state  
37 officials, employees, and agents. Nothing in this paragraph shall  
38 be construed to protect any such person from suit or liability for  
39 any damage, loss, injury, or liability caused by the intentional or  
40 willful and wanton misconduct of any such person.

(3) The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI  
RULEMAKING FUNCTIONS OF THE INTERSTATE  
COMMISSION

(a) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(b) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate

1 consistent with the due process requirements under the United  
2 States Constitution as now or hereafter interpreted by the United  
3 States Supreme Court. All rules and amendments shall become  
4 binding as of the date specified, as published with the final version  
5 of the rule as approved by the commission.

6 (c) When promulgating a rule, the Interstate Commission shall,  
7 at a minimum:

8 (1) Publish the proposed rule's entire text stating the reason(s)  
9 for that proposed rule.

10 (2) Allow and invite any and all persons to submit written data,  
11 facts, opinions and arguments, which information shall be added  
12 to the record, and be made publicly available.

13 (3) Provide an opportunity for an informal hearing if petitioned  
14 by 10 or more persons.

15 (4) Promulgate a final rule and its effective date, if appropriate,  
16 based on input from state or local officials, or interested parties.

17 (d) Allow, not later than sixty days after a rule is promulgated,  
18 any interested person to file a petition in the United States District  
19 Court for the District of Columbia or in the Federal District Court  
20 where the Interstate Commission's principal office is located for  
21 judicial review of such rule. If the court finds that the Interstate  
22 Commission's action is not supported by substantial evidence in  
23 the rulemaking record, the court shall hold the rule unlawful and  
24 set it aside. For purposes of this subdivision, evidence is substantial  
25 if it would be considered substantial evidence under the Model  
26 State Administrative Procedures Act.

27 (e) If a majority of the Legislatures of the compacting states  
28 rejects a rule, those states may, by enactment of a statute or  
29 resolution in the same manner used to adopt the compact, cause  
30 that such rule shall have no further force and effect in any  
31 compacting state.

32 (f) The existing rules governing the operation of the Interstate  
33 Compact on Juveniles superseded by this act shall be null and void  
34 12 months after the first meeting of the Interstate Commission  
35 created hereunder.

36 (g) Upon determination by the Interstate Commission that a  
37 state of emergency exists, it may promulgate an emergency rule  
38 which shall become effective immediately upon adoption, provided  
39 that the usual rulemaking procedures provided hereunder shall be  
40 retroactively applied to said rule as soon as reasonably possible,

1 but no later than 90 days after the effective date of the emergency  
2 rule.

3  
4 ARTICLE VII

5 OVERSIGHT, ENFORCEMENT, AND DISPUTE  
6 RESOLUTION BY THE INTERSTATE COMMISSION  
7

8 (a) Section A. Oversight

9 (1) The Interstate Commission shall oversee the administration  
10 and operations of the interstate movement of juveniles subject to  
11 this compact in the compacting states and shall monitor such  
12 activities being administered in noncompacting states which may  
13 significantly affect compacting states.

14 (2) The courts and executive agencies in each compacting state  
15 shall enforce this compact and shall take all actions necessary and  
16 appropriate to effectuate the compact's purposes and intent. The  
17 provisions of this compact and the rules promulgated hereunder  
18 shall be received by all the judges, public officers, commissions,  
19 and departments of the state government as evidence of the  
20 authorized statute and administrative rules. All courts shall take  
21 judicial notice of the compact and the rules. In any judicial or  
22 administrative proceeding in a compacting state pertaining to the  
23 subject matter of this compact which may affect the powers,  
24 responsibilities or actions of the Interstate Commission, it shall be  
25 entitled to receive all service of process in any such proceeding,  
26 and shall have standing to intervene in the proceeding for all  
27 purposes.

28 (b) Section B. Dispute Resolution

29 (1) The compacting states shall report to the Interstate  
30 Commission on all issues and activities necessary for the  
31 administration of the compact as well as issues and activities  
32 pertaining to compliance with the provisions of the compact and  
33 its bylaws and rules.

34 (2) The Interstate Commission shall attempt, upon the request  
35 of a compacting state, to resolve any disputes or other issues which  
36 are subject to the compact and which may arise among compacting  
37 states and between compacting and noncompacting states. The  
38 commission shall promulgate a rule providing for both mediation  
39 and binding dispute resolution for disputes among the compacting  
40 states.

1 (3) The Interstate Commission, in the reasonable exercise of its  
2 discretion, shall enforce the provisions and rules of this compact  
3 using any or all means set forth in Article XI of this compact.

4  
5 ARTICLE VIII  
6 FINANCE  
7

8 (a) The Interstate Commission shall pay or provide for the  
9 payment of the reasonable expenses of its establishment,  
10 organization, and ongoing activities.

11 (b) The Interstate Commission shall levy on and collect an  
12 annual assessment from each compacting state to cover the cost  
13 of the internal operations and activities of the Interstate  
14 Commission and its staff which must be in a total amount sufficient  
15 to cover the Interstate Commission's annual budget as approved  
16 each year. The aggregate annual assessment amount shall be  
17 allocated based upon a formula to be determined by the Interstate  
18 Commission, taking into consideration the population of each  
19 compacting state and the volume of interstate movement of  
20 juveniles in each compacting state and shall promulgate a rule  
21 binding upon all compacting states which governs said assessment.

22 (c) The Interstate Commission shall not incur any obligations  
23 of any kind prior to securing the funds adequate to meet the same,  
24 nor shall the Interstate Commission pledge the credit of any of the  
25 compacting states, except by and with the authority of the  
26 compacting state.

27 (d) The Interstate Commission shall keep accurate accounts of  
28 all receipts and disbursements. The receipts and disbursements of  
29 the Interstate Commission shall be subject to the audit and  
30 accounting procedures established under its bylaws. However, all  
31 receipts and disbursements of funds handled by the Interstate  
32 Commission shall be audited yearly by a certified or licensed public  
33 accountant and the report of the audit shall be included in and  
34 become part of the annual report of the Interstate Commission.

35  
36 ARTICLE IX  
37 THE STATE COUNCIL  
38

39 Each member state shall create a State Council for Interstate  
40 Juvenile Supervision. While each state may determine the

1 membership of its own state council, its membership must include  
2 at least one representative from the legislative, judicial, and  
3 executive branches of government, victims groups, and the compact  
4 administrator, deputy compact administrator or designee. Each  
5 compacting state retains the right to determine the qualifications  
6 of the compact administrator or deputy compact administrator.  
7 Each state council will advise and may exercise oversight and  
8 advocacy concerning that state's participation in Interstate  
9 Commission activities and other duties as may be determined by  
10 that state, including, but not limited to, development of policy  
11 concerning operations and procedures of the compact within that  
12 state.

13  
14 ARTICLE X  
15 COMPACTING STATES, EFFECTIVE DATE, AND  
16 AMENDMENT  
17

18 (a) Any state, the District of Columbia (or its designee), the  
19 Commonwealth of Puerto Rico, the United States Virgin Islands,  
20 Guam, American Samoa, and the Northern Marianas Islands as  
21 defined in Article II of this compact is eligible to become a  
22 compacting state.

23 (b) The compact shall become effective and binding upon  
24 legislative enactment of the compact into law by no less than 35  
25 of the states. The initial effective date shall be the later of July 1,  
26 2004, or upon enactment into law by the 35th jurisdiction.  
27 Thereafter it shall become effective and binding as to any other  
28 compacting state upon enactment of the compact into law by that  
29 state. The governors of nonmember states or their designees shall  
30 be invited to participate in the activities of the Interstate  
31 Commission on a nonvoting basis prior to adoption of the compact  
32 by all states and territories of the United States.

33 (c) The Interstate Commission may propose amendments to the  
34 compact for enactment by the compacting states. No amendment  
35 shall become effective and binding upon the Interstate Commission  
36 and the compacting states unless and until it is enacted into law  
37 by unanimous consent of the compacting states.

38  
39 ARTICLE XI

1           WITHDRAWAL, DEFAULT, TERMINATION, AND  
2           JUDICIAL ENFORCEMENT

3  
4       (a) Section A. Withdrawal

5       (1) Once effective, the compact shall continue in force and  
6 remain binding upon each and every compacting state; provided  
7 that a compacting state may withdraw from the compact by  
8 specifically repealing the statute which enacted the compact into  
9 law.

10      (2) The effective date of withdrawal is the effective date of the  
11 repeal.

12      (3) The withdrawing state shall immediately notify the  
13 chairperson of the Interstate Commission in writing upon the  
14 introduction of legislation repealing this compact in the  
15 withdrawing state. The Interstate Commission shall notify the other  
16 compacting states of the withdrawing state's intent to withdraw  
17 within sixty days of its receipt thereof.

18      (4) The withdrawing state is responsible for all assessments,  
19 obligations, and liabilities incurred through the effective date of  
20 withdrawal, including any obligations, the performance of which  
21 extend beyond the effective date of withdrawal.

22      (5) Reinstatement following withdrawal of any compacting state  
23 shall occur upon the withdrawing state reenacting the compact or  
24 upon such later date as determined by the Interstate Commission

25       (b) Section B. Technical Assistance, Fines, Suspension,  
26 Termination, and Default

27      (1) If the Interstate Commission determines that any compacting  
28 state has at any time defaulted in the performance of any of its  
29 obligations or responsibilities under this compact, or the bylaws,  
30 or duly promulgated rules, the Interstate Commission may impose  
31 any or all of the following penalties:

32      (A) Remedial training and technical assistance as directed by  
33 the Interstate Commission.

34      (B) Alternative dispute resolution.

35      (C) Fines, fees, and costs in such amounts as are deemed to be  
36 reasonable as fixed by the Interstate Commission.

37      (D) Suspension or termination of membership in the compact,  
38 which shall be imposed only after all other reasonable means of  
39 securing compliance under the bylaws and rules have been  
40 exhausted and the Interstate Commission has therefore determined

1 that the offending state is in default. Immediate notice of  
2 suspension shall be given by the Interstate Commission to the  
3 Governor, the Chief Justice or the Chief Judicial Officer of the  
4 state, the majority and minority leaders of the defaulting state's  
5 legislature, and the state council. The grounds for default include,  
6 but are not limited to, failure of a compacting state to perform such  
7 obligations or responsibilities imposed upon it by this compact,  
8 the bylaws, or duly promulgated rules and any other grounds  
9 designated in commission bylaws and rules. The Interstate  
10 Commission shall immediately notify the defaulting state in writing  
11 of the penalty imposed by the Interstate Commission and of the  
12 default pending a cure of the default. The commission shall  
13 stipulate the conditions and the time period within which the  
14 defaulting state must cure its default. If the defaulting state fails  
15 to cure the default within the time period specified by the  
16 commission, the defaulting state shall be terminated from the  
17 compact upon an affirmative vote of a majority of the compacting  
18 states and all rights, privileges, and benefits conferred by this  
19 compact shall be terminated from the effective date of termination.

20 (2) Within 60 days of the effective date of termination of a  
21 defaulting state, the commission shall notify the Governor, the  
22 Chief Justice or Chief Judicial Officer, the majority and minority  
23 leaders of the defaulting state's legislature, and the state council  
24 of such termination.

25 (3) The defaulting state is responsible for all assessments,  
26 obligations, and liabilities incurred through the effective date of  
27 termination including any obligations, the performance of which  
28 extends beyond the effective date of termination.

29 (4) The Interstate Commission shall not bear any costs relating  
30 to the defaulting state unless otherwise mutually agreed upon in  
31 writing between the Interstate Commission and the defaulting state.

32 (5) Reinstatement following termination of any compacting  
33 state requires both a reenactment of the compact by the defaulting  
34 state and the approval of the Interstate Commission pursuant to  
35 the rules.

36 (c) Section C. Judicial Enforcement

37 The Interstate Commission may, by majority vote of the  
38 members, initiate legal action in the United States District Court  
39 for the District of Columbia or, at the discretion of the Interstate  
40 Commission, in the federal district where the Interstate

1 Commission has its offices, to enforce compliance with the  
2 provisions of the compact, its duly promulgated rules, and bylaws,  
3 against any compacting state in default. In the event judicial  
4 enforcement is necessary the prevailing party shall be awarded all  
5 costs of such litigation including reasonable attorney's fees.

6 (d) Section D. Dissolution of Compact

7 (1) The compact dissolves effective upon the date of the  
8 withdrawal or default of the compacting state, which reduces  
9 membership in the compact to one compacting state.

10 (2) Upon the dissolution of this compact, the compact becomes  
11 null and void and shall be of no further force or effect, and the  
12 business and affairs of the Interstate Commission shall be  
13 concluded and any surplus funds shall be distributed in accordance  
14 with the bylaws.

15  
16 ARTICLE XII

17 SEVERABILITY AND CONSTRUCTION  
18

19 (a) The provisions of this compact shall be severable, and if any  
20 phrase, clause, sentence, or provision is deemed unenforceable,  
21 the remaining provisions of the compact shall be enforceable.

22 (b) The provisions of this compact shall be liberally construed  
23 to effectuate its purposes.  
24

25 ARTICLE XIII

26 BINDING EFFECT OF COMPACT AND OTHER LAWS  
27

28 (a) Section A. Other Laws

29 (1) Nothing herein prevents the enforcement of any other law  
30 of a compacting state that is not inconsistent with this compact.

31 (2) All compacting states' laws other than state constitutions  
32 and other interstate compacts conflicting with this compact are  
33 superseded to the extent of the conflict.

34 (b) Section B. Binding Effect of the Compact

35 (1) All lawful actions of the Interstate Commission, including  
36 all rules and bylaws promulgated by the Interstate Commission,  
37 are binding upon the compacting states.

38 (2) All agreements between the Interstate Commission and the  
39 compacting states are binding in accordance with their terms.

1 (3) Upon the request of a party to a conflict over meaning or  
2 interpretation of Interstate Commission actions, and upon a  
3 majority vote of the compacting states, the Interstate Commission  
4 may issue advisory opinions regarding such meaning or  
5 interpretation.

6 (4) In the event any provision of this compact exceeds the  
7 constitutional limits imposed on the legislature of any compacting  
8 state, the obligations, duties, powers, or jurisdiction sought to be  
9 conferred by such provision upon the Interstate Commission shall  
10 be ineffective and such obligations, duties, powers, or jurisdiction  
11 shall remain in the compacting state and shall be exercised by the  
12 agency thereof to which such obligations, duties, powers, or  
13 jurisdiction are delegated by law in effect at the time this compact  
14 becomes effective.

15 1401. The compact administrator shall be the executive director  
16 of the Corrections Standards Authority.

17 1402. The executive director of the Corrections Standards  
18 Authority shall convene an executive steering committee to review  
19 and make recommendations regarding the Interstate Compact for  
20 Juveniles and whether permanent membership in the compact  
21 would be the most effective and prudent means by which California  
22 can achieve the purpose set forth in Section 1400 compared to  
23 other alternatives. The Corrections Standards Authority shall  
24 present the executive steering committee's final report, including  
25 recommendations for legislative action, if necessary, to the  
26 appropriate committees of the Legislature by January 1, 2011. The  
27 report shall be concise and may be produced and submitted solely  
28 in electronic format.

29 1403. This chapter shall remain in effect only until January 1,  
30 2012, and as of that date is repealed, unless a later enacted statute,  
31 that is enacted before January 1, 2012, deletes or extends that date.

32 *SEC. 3. Section 1712.12 is added to the Welfare and Institutions*  
33 *Code, to read:*

34 *1712.12. (a) The Division of Juvenile Justice shall close the*  
35 *Heman G. Stark Youth Correctional Facility, located in the City*  
36 *of Chino, San Bernardino County, on or before July 1, 2010.*

37 *(b) The Division of Juvenile Justice shall close the Preston*  
38 *Youth Correctional Facility, located in the City of Ione, Amador*  
39 *County, on or before December 31, 2010.*

1     (c) *Prior to instituting these closures the Division of Juvenile*  
2     *Justice shall arrange for the reassignment and transfer of offenders*  
3     *in these facilities to another facility within the jurisdiction of the*  
4     *Division of Juvenile Justice.*

5     ~~SEC. 3.~~

6     SEC. 4. Section 1766.2 is added to the Welfare and Institutions  
7     Code, to read:

8     1766.2. (a) Except as provided in subdivision (b), all applicable  
9     wards shall be placed on supervised parole within the period of  
10    120 to 90 days prior to the date of release from custody from a  
11    Division of Juvenile Facilities institution pursuant to the discharge  
12    provisions of Section 1769, 1770, or 1771, or within the period of  
13    120 to 90 days prior to completion of the maximum period of  
14    confinement pursuant to Section 731, whichever comes first.

15    (b) Subdivision (a) shall not apply when a petition or order for  
16    further detention of a juvenile has been requested by the Division  
17    of Juvenile Facilities or the Juvenile Parole Board pursuant to  
18    Section 1800.

19    (c) A ward who has been released under the provisions of  
20    subdivision (a) shall be subject to revocation of parole for alleged  
21    violations committed during the period of release. Any term of  
22    reconfinement under these circumstances shall remain subject to  
23    the limits of Section 731, 1769, 1770, or 1771, as applicable in  
24    each case. Any such revocation proceedings shall be in accordance  
25    with the procedures and due process protections for parolees under  
26    current law.

27    (d) For the purposes of this section, “applicable ward” means  
28    a person who is confined in a facility or institution operated by the  
29    Division of Juvenile Facilities 120 days prior to his or her discharge  
30    date under Section 1769, 1770, or 1771, or 120 days prior to  
31    completion of the maximum period of confinement under Section  
32    731.

33    SEC. 5. *This act shall become operative only if Assembly Bill*  
34    *999 is enacted and takes effect on or before January 1, 2010.*